

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/752,371	MCDONNELL, DAVID J.
	Examiner	Art Unit
	Phuongchau Ba Nguyen	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8-10-04 & interview 12-2-04.
2.  The allowed claim(s) is/are 1-2, 4-16, 18-26, 28; Renumbered as 1-25 respectively.
3.  The drawings filed on 12-29-04 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 12-2-04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
  
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Watson on 12-02-04.
  
3. The application has been amended as follows:

**Claim 1, line 8:**

“ , wherein the first packet is tagged with an attribute that indicates that the packet is straddling the first fixed packet slot and the second fixed packet slot” had been inserted after the second occurrence of the word “slot”.

**Claim 3 had been canceled.**

**Claim 4, line 1:**

“3” had been changed to ---- 1 ----

**Claim 15, line 5:**

“ , wherein the first packet is tagged with an attribute that indicates that the

first packet is straddling the first fixed packet slot and the second fixed packet slot" had been inserted after the second occurrence of the word "slot".

**Claim 17 had been canceled.**

**Claim 18, line 1:**

"17" had been changed to ---- 15 ----

**Claim 25, line 4:**

" , and tagging the first packet with an attribute that indicates that the packet is straddling the first fixed packet slot and the second fixed packet slot" had been inserted after the second occurrence of the word "slot".

**Claim 27 had been canceled.**

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-4, 6-14, the prior art fails to teach or suggest a computer system comprising "a scheduler to launch a first packet from a first queue that straddles a first fixed packet slot and a second fixed packet slot, wherein the first packet is tagged with an attribute that indicates that the packet is straddling the first fixed packet slot and

the second fixed packet slot," in combination with other limitations, as specified in independent claim 1.

Regarding claims 15-16, 18-24, the prior art fails to teach or suggest a memory controller comprising "a scheduler to launch a first packet from the first queue that straddles a first fixed packet slot and a second fixed packet slot, wherein the first packet is tagged with an attribute that indicates that the first packet is straddling the first fixed packet slot and the second fixed packet slot," in combination with other limitations, as specified in independent claim 15.

Regarding claims 25-26, 28, the prior art fails to teach or suggest a method comprising "transmitting the first packet to a memory, wherein the first packet is transmitted straddling a first fixed packet slot and a second fixed packet slot, and tagging the first packet with an attribute that indicates that the packet is straddling the first fixed packet slot and the second fixed packet slot," in combination with other limitations, as specified in independent claim 25.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is

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571-272-3148. The examiner can normally be reached on Monday-Friday 10:00AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*PN*  
Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665

DUCHO  
PRIMARY EXAMINER

*Duchao*

12-06-04